

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

LYNN C. OGIER,

*Plaintiff,*

vs.

UNUM INSURANCE CO. OF NORTH AMERICA  
and MASS GROUP MARKETING, INC.,

*Defendants.*

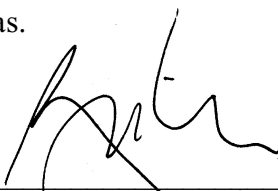
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CIVIL ACTION H-06-3386

**MEMORANDUM AND ORDER**

Before the court is defendant Mass Group Marketing, Inc.'s motion to dismiss and for judgment on the pleadings (Dkt. 4). This motion does not involve defendant Unum Insurance Co. of North America. This motion was submitted November 2, 2006, and there has been no response by plaintiff Lynn C. Ogier. The motion will therefore be treated as unopposed. *See* S.D. Tex. Loc. R. 7.4 ("Failure to respond will be taken as a representation of no opposition"). Accordingly, the motion is GRANTED in part, DENIED in part. The motion to dismiss is granted; plaintiff Lynn C. Ogier's complaint against Mass Group Marketing, Inc. is dismissed. The motion for judgment on the pleadings is denied.

Signed on December 4, 2006, at Houston, Texas.

  
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Gray H. Miller  
United States District Judge